IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 268 of 1987

in

SPECIAL CIVIL APPLICATIONNo 3814 of 1987

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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NITIN N GANDHI

Versus

STATE OF GUJARAT

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Appearance:

1. LETTERS PATENT APPEAL No. 268 of 1987
NOTICE UNSERVED on the Appellant
MR MS RAO, AGP for Respondent No. 1-2

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CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI
and

HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 08/10/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE R.K.ABICHANDANI)

No one appears for the appellant. It appears that notice was sent by the Registry to the appellant on the address given in the petition about the demise of his lawyer and for making necessary arrangement. That notice was returned unserved as the appellant was not found on 15.6.1998. As per the Bailiff's report, dated 8.8.2001, someone else was staying since about 7 to 8 years, at the address of the appellant. This means that the appellant has not taken care to notify change of his address in the appeal memo, nor has he taken care to engage any one else after the demise of his learned advocate. Still, however, we have examined the matter on merits. We find that the claim of the appellant that the respondent-authority should be directed to interview him for admission to the course of Diploma in Homeopathic Medicine & Surgery for the academic year 1987-88 and should not deny him admission on the ground that he had not passed 12th standard examination, has become infructuous, and cannot be entertained any more. In fact, the learned Single Judge had found that the eligibility criterion prescribed for admission was that the candidate should have passed Higher Secondary Examination of the Gujarat Higher Secondary Examination Board and/or 12th standard examination of the Central Board of Secondary Education, New Delhi and it was held: " It is an admitted position that the petitioner has not passed either of these two examinations". Therefore, no injustice was done to the petitioner by rejection of the petition. This appeal is, therefore, dismissed with no order as to costs.

[R.K. ABICHANDANI, J.]

[K.M. MEHTA, J.]

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